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Sint Maarten FAIRS Country Report

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FAIRS Country Report

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

With its duty-free status and limited import regulation, Sint Maarten has traditionally been a wide open market for U.S. food and agricultural products. However, with its newly acquired status as an autonomous country, Sint Maarten is beginning to develop its own food safety, and plant and animal health regulatory systems. Of course, development and implementation of these regulatory systems will take time. Thus, for the time being no significant changes to Sint Maarten's import-friendly handling of incoming U.S. products is expected.

General Information:

This report was prepared by the Caribbean Basin Agricultural Trade Office of the USDA/Foreign Agricultural Service in Miami, Florida, for U.S. exporters of domestic food and agricultural products. While every possible care was taken in preparation of this report, information provided may not be completely accurate, either because policies have changed since its preparation or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers who are normally best equipped to research such matters with local authorities before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF THE PRODUCT ENTRY.

Food Laws:

Following the October 2010 dissolution of the Netherlands Antilles, Sint Maarten became an autonomous country within the Kingdom of the Netherlands. As such, Sint Maarten is transitioning from being part of a dependent Dutch collectivity to a mostly self-governing country (the Netherlands still retain responsibility for foreign affairs and defense). In terms of regulating imports of food and agricultural products, the first stage of the transition involved adopting existing Netherlands Antilles legislation as Sint Maarten legislation, which in essence maintained the status quo. The main legislation governing food and agricultural products is the Commodities Act (formerly the Netherlands Antilles Food Law 334 of 1997). As this law is quite general, Sint Maarten authorities are developing more modern and detailed food safety laws as well as plant protection laws. Development of animal health legislation will be further down the line. For the time being, no significant changes to Sint Maarten's import-friendly handling of incoming U.S. products are expected.

It should be noted that Sint Maarten shares its island territory with the French overseas collectivity of Saint Martin. Interestingly, there is no Customs or Immigration control between the two, so movement of people and goods between the two sides is essentially unrestricted. Most, if not all U.S. products enter the island through the Dutch side of Sint Maarten. While some U.S. food products are available on the French side, U.S. foods are mostly distributed and consumed on the Dutch side of the island.

Labeling Requirements:

Sint Maarten accepts U.S. labels and imposes no additional labeling requirements on U.S. products. It has no nutrition-specific labeling requirements and accepts U.S. Recommended Daily Intake (RDI) information is acceptable as well. Currently, labels are accepted in English, Dutch, Papiamentu and Spanish. However, authorities are considering changing the requirement to English and Dutch only. Stick-on-labels are not allowed, although this is not really an issue for U.S. food products.

Space limitations at the Port of Philipsburg make product inspection difficult there. Therefore, most inspection of products is done at the retail and wholesale levels, not at the port of entry. Moreover, the government has very limited resources in terms of inspection personnel, which is why inspection is largely conducted on a case-by-case basis when issues arise.

Packaging and Container Regulations:

Packaging is not really addressed in the Commodities Act. Thus, Sint Maarten does not impose any packaging restrictions on U.S. food products.

Food Additive Regulations:

Additives are dealt with very broadly in the Commodities Act. Neither a positive list of allowable additives nor a negative list of prohibited substances is used. Authorities rely on Codex standards when issues arise.

Pesticides and Other Contaminants:

Sint Maarten has adopted Netherlands Antilles Legislation on pesticide use, which dates back to 1961. Currently, the Inspectorate of Public Health and the Pharmaceutical Inspectorate oversee issues related to pesticides and residues. Establishment of a pesticide advisory board is under way. Pesticides are required to be registered 3 months in advance of importation, but the requirement is not being fully implemented. The Inspectorate of Public Health maintains a list of prohibited pesticides. Sint Maarten does not set its own maximum residue limits for pesticides and other contaminants in food products. For this they rely on internationally accepted Codex standards and/or U.S. guidance.

Other Regulations and Requirements:

Products are not required to be registered or laboratory tested. Product samples shipped via express mail or parcel post enter Sint Maarten unrestricted. As mentioned earlier, products are mostly monitored at the retail/wholesale level. Government resources for monitoring and inspection are quite limited.

Other Specific Standards:

No special import permits or licenses are required. U.S. exporters should be aware that while a phytosanitary export certificate for plant products (i.e. fresh produce) is not presently required, it is expected to be required when the anticipated plant protection legislation enters into force. Shipments of meat products and other animal products require a health certificate from the country of origin.

Copyright and/or Trademark Laws:

The Bureau of Intellectual Property of Curaçao (formerly of the Netherlands Antilles) is the agency which enables right holders to exercise their intellectual property rights in both Curaçao and Sint Maarten. The Bureau executes the National Trademark Ordinance (National Gazette 1996, No. 188) and the National Trademark Decree (National Gazette 2000, No. 147). Trademark registration, which is voluntary, is a rather simple procedure and is normally handled by an agent authorized by the Bureau. Registration affords trademark protection for a 10 year period and is renewable, upon request, for periods of 10 years. To carry out a search of registered trademarks and to obtain a list of authorized agents and registration fees, U.S. companies can contact the Bureau (See Appendix I for complete contact information).

It is worth noting that registrations made previously with the Bureau of Intellectual Property of the Netherlands Antilles will remain in effect throughout the former Netherlands Antilles (Curaçao, Sint Maarten, Saba, Sint Eustatius, and Bonaire) until their expiration.

Author Defined:**Import Procedures:**

Customs clearance is done by an importer or Customs broker. Upon presentation of normal import documentation (commercial invoice, bill of lading, and health certificate where required), the shipment is reviewed and if accepted it is entered into the Customs Department electronic system.

The length of time for clearance depends on a variety of factors, such as, the number of container ships arriving at the same time, how quickly they can be unloaded and when they are transported to the importer. Perishable goods have priority and usually are cleared within one day. Dry goods can be cleared within 2-3 days.

Appendix I. Government Regulatory Agency Contacts:**FOR FOOD IMPORT REGULATIONS, CONTACT:**

Inspectorate of Public Health, Social Services & Labor (processed foods)
Ministry of Health Care, Social Development & Labor
Kanaal Steeg #1
Philipsburg, Sint Maarten
Tel: 011 (599) 542-2079, 542-2059
Fax: 011 (599) 542-2936
E-mail: hygvet@sintmaarten.net

Inspectorate of Agriculture, Livestock & Fisheries (animal, plant & seafood products)
Ministry of Tourism, Economic Affairs, Transport & Telecommunication
Tamarinde Steeg #166
Philipsburg, Sint Maarten
Tel: (599) 542-4519
Fax: (599) 542-3800

FOR CUSTOMS PROCEDURES, CONTACT:

Customs Department
Philipsburg, Sint Maarten
T: 011 (599) 542-1000
F: 011 (599) 542-1001

FOR INTELLECTUAL PROPERTY ISSUES, CONTACT:

Bureau for Intellectual Property of Curaçao
Berg Carmelweg 10-A
Willemstad, Curaçao

Tel: 011 (599-9) 465-7800
Fax: 011 (599-9) 465-7692, 465-7815
E-mail: bipantil@curinfo.an
Website*: www.bip.an

** The above website is provided for the readers' convenience; USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained in such website.*

Appendix II. Other Import Specialist Contacts:

Caribbean Basin Agricultural Trade Office
Foreign Agricultural Service
U.S. Department of Agriculture
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